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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,396	01/31/2001	Jagtar Singh Saroya	KLR 7146.084	4249
7590 11/04/2004				
CHERNOFF, VILHAUER, McCLUNG & STENZEL 1600 ODS Tower 601 S W Second Avenue Portland, OR 97204			EXAMINER AMARI, ALESSANDRO V	
			ART UNIT 2872	PAPER NUMBER

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/773,396

Applicant(s)

SAROYA, JAGTAR SINGH

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 July 2004 has been entered.

### ***Claim Objections***

2. Claims 32-34 are objected to because of the following informalities:

In regard to claim 32, line 3, the phrase, "said frame" lacks antecedent basis.

Claims 33 and 34 inherit the same issue due to their dependence on claim 32.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi US 6,621,578 in view of Moodie US 3,743,381.

In regard to claim 32, Mizoguchi teaches (see Figure 4) a mounting for a wave plate comprising an enclosure (214) adapted to support said wave plate for rotation as described in column 9, lines 29-51.

Regarding claim 34, Mizoguchi teaches a retaining mechanism to selectively inhibit the rotational movement of said frame as described in column 9, lines 49-51.

In regard to claims 35 and 36, Mizoguchi does teach (see Figure 4) (a) a frame (212) adapted to retain said wave plate; (b) a supporting structure (214) adapted to support said frame for rotation as described in column 9, lines 42-51 and that said support structure is adapted to support said wave plate for rotation exceeding 90 degrees as described in column 9, lines 15-29.

However, in regard to claim 32, Mizoguchi does not teach (b) a bendable member having a first end affixed to said frame: (c) a substantial length of said bendable member proximate to a periphery of said wave plate forming an arc shape; and (d) said bendable member having a second end and in regard to claim 33, Mizoguchi does not teach rotating said wave plate by moving said bendable member. Furthermore, in regard to claim 35, Mizoguchi does not teach (c) a bendable member having a first end affixed to the wave plate; (d) a substantial length of said bendable member proximate to a periphery of said wave plate forming an arc shape; (e) said bendable member having a second end.

In regard to claims 32, 35 and 36, Moodie teaches (see Figure 6) a mounting for a wave plate comprising (b) a bendable member (100) having a first end (102) affixed to said frame: (c) a substantial length of said bendable member proximate to a periphery

Art Unit: 2872

of said wave plate forming an arc shape as shown in Figure 6; and (d) said bendable member having a second end (108) as shown in Figure 6.

Regarding claim 33, Moodie teaches further rotating said wave plate by moving said bendable member as shown in Figure 6 and as described in column 6, lines 33-41.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bendable member as taught by Moodie for the wave plate of Mizoguchi in order to more easily manipulate the wave plate to set it at the proper polarization angle.

However, in further regard to claim 36, Mizoguchi in view of Moodie while the teaching the invention as set forth above does not teach that said support structure is adapted to support said wave plate for rotation exceeding 180 degrees.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate the wave plate over the claimed range since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. One would have been motivated to adjust the wave plate of Mizoguchi in view of Moodie for the purpose of adjusting the polarization angle for optimal transmission of light. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 32-36 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava *ava*  
29 October 2004

  
MARK A. ROBINSON  
PRIMARY EXAMINER